

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW D. GOODRICH,

Plaintiff,

CIVIL ACTION NO. 08-13664

vs.

DISTRICT JUDGE ROBERT H. CLELAND
MAGISTRATE JUDGE DONALD A. SCHEER

HOWARD V. TYREE,

Defendant.

/

ORDER DENYING PLAINTIFF'S MOTIONS TO COMPEL DISCOVERY, SEEK
ASSISTANCE AND APPOINTMENT OF COUNSEL AND GRANTING DEFENDANT'S
MOTION TO EXTEND DISCOVERY AND DISPOSITIVE MOTION CUTOFF DATES

This cause comes before the Court on Plaintiff's two Motions to Compel, dated February 11, 2009, and February 13, 2009, (Docket #17 & #21), Plaintiff's Motion for Assistance in Obtaining Medical Records, dated February 13, 2009 (Docket #20), and Renewed Motion for Appointment of Counsel, dated February 13, 2009 (Docket #22). Defendant has filed a Motion to Adjourn Deadlines, dated February 2, 2009 (Docket #14), seeking a 60 day extension of the discovery and dispositive cutoff deadlines found in the court's scheduling order sent to the parties in January 2009 (Docket #13).

In his request to extend deadlines, as well as in his responses to the discovery motions, Defendant asserts that his counsel is in the process of obtaining relevant medical records, necessary to the resolution of the issues in this case, from the Michigan Department of Correction (MDOC). Defendant represented that he does not have any medical records in his custody or control. He correctly observed that the MDOC is the sole

custodian of Plaintiff medical records, and Plaintiff may obtain copies from that non-party source pursuant to Fed.R.Civ.P. 45.

Accordingly, Plaintiff's two Motions to Compel and his Motion seeking Assistance in Obtaining Medical Records are DENIED.

Plaintiff's Renewed Motion for Appointment of Counsel is also DENIED. In an Order denying Plaintiff's earlier Application for Appointment of Counsel, dated November 25, 2008 (Docket #9), the court ruled that any appointment of counsel in this case was premature until the viability of Plaintiff's case was determined. If this case survives summary judgment, Plaintiff may seek appointment of counsel.

Defendant's Motion to Extend Deadlines in this case is GRANTED. Therefore, the following dates will now govern the litigation of this case:

DISCOVERY CUT-OFF: May 15, 2009

This deadline applies to all motions related to discovery.

DISPOSITIVE MOTION CUT-OFF: June 15, 2009

FINAL PRETRIAL STATEMENT: To be determined.

FINAL PRETRIAL CONFERENCE: To be determined.

TRIAL DATE: To be determined.

Note this especially, at the direction of Judge Cleland: any objections must be labeled as "Objection #1," "Objection #2," etc.; any objection must recite *precisely* the provision of this Order to which it pertains. Not later than ten days after service an objection, the opposing party must file a concise response proportionate to the objections

in length and complexity. The response must specifically address each issue raised in the objections, in the same order and labeled as "Response to Objection #1," "Response to Objection #2," etc.

SO ORDERED.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: March 4, 2009

CERTIFICATE OF SERVICE

I hereby certify on March 4, 2009 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on March 4, 2009: **Matthew Goodrich**.

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217